

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JOSEPH EDWARD SLOAN, BRYON Z. MOLDO,
Chapter 7 Trustee - IN RE JOSEPH EDWARD
SLOAN, Debtor,

Plaintiffs,

vs.

Civ. No. 00-702 BB/WWD ACE

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY, a foreign corporation,
and RANDAL W. ROBERTS, ESQ.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon the Plaintiffs' Motion for Modification of Pre-Trial Scheduling Order [docket no. 129] filed March 16, 2001, the day by which discovery in this cause was to have been completed. An eight month period was allowed for discovery. There was certainly adequate time to raise the issue of any dilatory tactics on the part of Defendants. Instead, Plaintiffs have elected to wait until the last days of the discovery period to become active in discovery, to seek extensions of time for discovery, and to raise the issue of dilatory tactics on the part of the Defendants. Plaintiffs have failed to show the required diligence in the prosecution of discovery in this case; accordingly, the Motion for Modification of Pre-Trial Scheduling Order should be DENIED.

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE